


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

OCT 24 2005

JOHN F. CONRAD, CLERK  
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DONELL J. BLOUNT, SR.,  
Plaintiff,

Civil Action No. 7:04CV00429

**ORDER**

v.

GENE M. JOHNSON, et al.,  
Defendants.

By: Hon. Glen E. Conrad  
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

as follows:

1. The plaintiff's objection to the magistrate judge's Report and Recommendation is **SUSTAINED**;
2. The defendants' motion for summary judgment is **DENIED** with respect to the plaintiff's excessive force claim;
3. The opinion and order entered on June 28, 2005 is **VACATED** in part; and
4. The parties shall have thirty (30) days to file motions for summary judgment addressing the merits of the plaintiff's remaining claims.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendants.

ENTER: This 24<sup>th</sup> day of October, 2005.



United States District Judge